REMARKS

Claims 1-9 and 11-15 are pending in the application. Claims 1-9 and 11-15 were rejected by the Examiner under 35 USC 102(b) as being anticipated by Schmid, et al., US Patent No. 5,659,164 (Schmid). Applicants respectfully disagree.

Previous to this amendment, Applicants' claims 1and 8 required that the control image could be 'located anywhere in the imaging job.' The Examiner had interpreted this as being anywhere on a control sheet. However, as set forth in Applicants' specification, at page 5, line 19 through page 6, line 2, among other places, the control image could be located on any sheet in the imaging job. Applicants' specification refers to out of order control sheets, upon which the control image is located.

Applicants have argued that having the control image anywhere in the job is not shown by Schmid, as Schmid explicitly requires that the control sheet be first at the beginning of the job. The Examiner states that the control image could be anywhere in the job, which Applicants' interpret to mean that the Examiner has defined the imaging job to be only the control sheet. Applicants have therefore amended claims 1 and 8 to further define that the control image is on a control sheet and that the control *sheet* could be located anywhere in the job, the job having further been defined as including multiple sheets, such as one sheet to be imaged and one control sheet.

As Schmid requires that the control sheet be first, Applicants submit that Schmid does not show, teach nor suggest that the control sheet, upon which the control image is located can be located anywhere in the job. Therefore, Applicants submit that claims 1 and 8 are patentably distinguishable over the prior art and request allowance of these claims.

With regard to claims 2 and 9, and further with regard to all of the dependent claims, Applicants submit that the Examiner errs in the interpretation of the Applicants' arguments in the Examiner's Response to Arguments. The Examiner states that the "features upon which the applicant relies (i.e., where the control image may be located anywhere within the imaging job) are not recited in the rejected claims such as claims 2 and 9. The Examiner repeats this response to claims 3 and 11, and then again with regard to claims 4-6 and 12-14.

Claims 2 and 9, as examples, depend respectively from claims 1 and 8, which had been previously amended to include the limitation "wherein the control image could be located anywhere within the imaging job." Under 37 CFR 1.75(c), "Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim." That is, all of the limitations of claims 1 and 8 are incorporated,

respectively, into claims 2 and 9, as an example, including the limitation added in the previous amendment "wherein the control image could be located anywhere within the imaging job" to claims 1 and 8. This same limitation is also added by each dependent claim of claims 1 and 8, and therefore in all of the remaining claims in the Applicants' application.

As such, Schmid does not teach the limitations of having the control sheets located anywhere within the imaging job, Schmid cannot teach the further limitations of claims 2 and 9, wherein the imaging job is an image acquisition task, nor claims 3 and 11 wherein the imaging job is an image production task. Therefore, Applicants submit that claims 2, 3, 9 and 11 are patentably distinguishable over the prior art and request allowance of this claim.

With regard to claims 4 and 12, 5 and 13, and 6 and 14, Schmid does not teach where the control image is located on a control sheet, the control sheet can be located anywhere within the imaging job, and where the control image is text, machine-readable code or numbers, as is required by these claims. Therefore, Applicants submit that claims 4-6, and 12-14 are patentably distinguishable over the prior art and request allowance of these claims.

With regard to claims 7 and 15, Applicants submit that as Schmid does not teach the limitation of having a control sheet located anywhere in the imaging job, Schmid cannot teach, show, nor suggest having a second control image on a second control sheet, as is required by claims 7 and 15. Therefore, Applicants submit that claims 7 and 15 are patentably distinguishable over the prior art and request allowance of these claims.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1.   (Twice Amended) A method for controlling scanning devices using control sheets, comprising the method comprising:

   starting an imaging job <u>having multiple sheets</u>;

   locating a control image <u>on a control sheet</u> within said imaging job, wherein the control [image] <u>sheet</u> could be located anywhere within the imaging job;

   processing control instructions from said control image; and

   creating output in accordance with said control instructions.

7.   (Twice Amended) The method of claim 1 wherein said method includes locating a second control image <u>on a second control sheet</u> for that imaging job and processing that control image.

8.   (Twice Amended) A method for controlling imaging devices using control sheets, the method comprising:

   starting an imaging job <u>having multiple sheets</u>;

   locating a control image <u>on a control sheet</u> within said imaging job, wherein the control [image] <u>sheet</u> could be located anywhere within the imaging job;

   creating output for said imaging job; and

   processing control instructions from said control image and using said control instructions for managing said output.

15.   (Twice Amended) The method of claim 8 wherein said method includes locating a second control image <u>on a second control sheet</u> for that imaging job and processing said second control image.